(4)

Supreme Court, U.S.
FILED

011103 DEC 8 2001

OFFICE OF THE CLERK

AMENDMENT TO APPENDIX

FOR THE **PETITION FOR A WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT** IN THE SUPREME COURT OF THE UNITED STATES

JAMES D. BOSWELL, Individually and on behalf of all others similarly situated; VANESSA LACE BOSWELL, Individually and on behalf of all others similarly situated; SHAUNA MROSKI, Individually and on behalf of all others similarly situated
Plaintiffs-Appellants-Petitioner

v.

BOARD OF TRUSTEES TEXAS CHRISTIAN UNIVERSITY (individual members (in their official capacities only); GEORGE BUSH, Governor, individual and official capacity; DANIEL JAMES, Major General, Adjutant General of Texas, LOUIS CALDERA, Secretary of the Army, National Guard Bureau Agency,
Defendants-Appellees-Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH

USDC No. 4:00 - CV-1526-Y, Fifth Circuit N0 00-11360 and
USDC No. 4:98-CV-168-Y No-00-10698

Per the court's instructions the District Court decisions are provided in the form of this amendment to the appendix to petition for a writ of certiorari to the U.S. Court of Appeals for the Fifth Circuit.

James Boswell

James Douglas Boswell, Pro Se
414 Morrison Dr.
Euless TX 76039
817 358 9911 fax 817 358 0291

30pp

N0 00-11360
In The U.S. Court of Appeals
For Fifth Circuit

JAMES DOUGLAS BOSWELL, VANESSA LACE BOSWELL, SHAUNA MROSKI, Individually and on behalf of all others similarly situated

PLAINTIFFS -APPELLANTS

VS

BOARD OF TRUSTEES TEXAS CHRISTIAN UNIVERSITY, Individual members (in their official capacity only); GEORGE BUSH, Governor of Texas, individual and official capacity; DANIEL JAMES, Major General, Adjutant General of Texas; LOUIS CALDERA, Secretary of the Army, National Guard Bureau Agency

DEFENDANTS - APPELLEES

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TX

FORT WORTH USDC No. 4:00 - CV-1526-Y

APPELLANT'S RECORD EXCERPTS FOR APPELLANTS BRIEF IN RESPONSE TO THE NORTH DISTRICT COURT DISMISSAL WITH PREJUDICE

James Douglas Boswell, Vanessa Boswell,
and Shauna Mroski
Pro Se: 414 Morrison Dr. Euless TX 76039
817 358 9911
Plaintiffs - Appellants
Submitted: 5 February 2001

APPEAL CLOSED

U.S. District Court
Northern District of Texas (Fort Worth)

CIVIL DOCKET FOR CASE #: 00-CV-1526

Boswell v. Board of Trustees TC, et al
Assigned to: Judge Terry R Means
Demand: $0,000
Lead Docket: None
Dkt# in other court: None

Filed: 09/05/00

Nature of Suit: 440
Jurisdiction: Federal Question

Cause: 42:1983 Civil Rights Act

JAMES D BOSWELL, Indiviually and on behalf of all others similarly situated
plaintiff

James D Boswell
817/358-0291 FAX
[NTC pse] [PRO SE]
414 Morrison Dr
Euless, TX 76039
USA
817/358-9911

VANESSA LACE BOSWELL, Individually and on behalf of all others similarly situated
plaintiff

Vanessa Lace Boswell
[NTC ret] [PRO SE]
414 Morrison Drive
Euless, TX 76039
USA
817/358-9911

SHAUNA MROSKI, Individually and on behalf of all others similarly situated
plaintiff

Shauna Mroski
[NTC pse] [PRO SE]
414 Morrison Dr
Euless, TX 76039
USA
817/358-9911

v.

BOARD OF TRUSTEES TEXAS CHRISTIAN UNIVERSITY, individual members (in their official capacities only)
defendant

Richard C DeBerry, Attorney at Law
817/334-0271 FAX
[COR LD NTC ret]
McDonald Sanders
Continental Plaza
777 Main Street
Suite 1300
Fort Worth, TX 76102
USA
817/336-8651

Certified a true copy of an instru
on file in my office on 12/6/00
Clerk, U.S. District Court,
Northern District of Texas
By _____ Dep

Docket as of December 6, 2000 11:21 am

GEORGE BUSH, Governor, individual and official capacity defendant	Peter J Strelitz, Attorney at Law 512/320-0667 FAX [COR LD NTC ret] Attorney General of Texas General Litigation Div -019 PO Box 12548 Capitol Station Austin, TX 78711-2548 USA 512/463-2100
DANIEL JAMES, Major, Adjutant General of Texas defendant	Peter J Strelitz, Attorney at Law (See above) [COR LD NTC ret]
LOUIS CALDERA, Secretary of the Army, National Guard Bureau Agency defendant	R Wayne Hughes, Jr, Attorney at Law 817/978-3368 FAX [COR LD NTC ret] US Attorney's Office Burnett Plaza 801 Cherry Street Suite 1700 Fort Worth, TX 76102 USA 817/252-5200

Proceedings include all events.
4:00cv1526 Boswell v. Board of Trustees TC, et al

APPEAL

CLOSED

JAMES D BOSWELL, Indiviually and on behalf of all others similarly situated; VANESSA LACE BOSWELL, Individually and on behalf of all others similarly situated; SHAUNA MROSKI, Individually and on behalf of all others similarly situated

plaintiff

v.

BOARD OF TRUSTEES TEXAS CHRISTIAN UNIVERSITY, individual members (in their official capacities only); GEORGE BUSH, Governor, individual and official capacity; DANIEL JAMES, Major, Adjutant General of Texas; LOUIS CALDERA, Secretary of the Army, National Guard Bureau Agency

defendant

9/5/00	1	1	COMPLAINT (15+) filed; Filing Fee $ 150.00 Receipt # 34367 (dld) [Entry date 09/06/00] CLOSED
9/5/00	2	7/19	SUMMONS(ES) issued for defendant Individual Members of the Board of Trustees, Texas Christian University (official capacity only) (dld) [Entry date 09/06/00] [Edit date 09/06/00]
9/5/00	3	7/19	SUMMONS(ES) issued to Asst Atty Gen Wayne Hughes Jr for the Secretary of the Army, Louis Caldera (dld) [Entry date 09/06/00]
9/5/00	4	720	SUMMONS(ES) issued to Asst Atty General Attn: Petrer J Strelitz (dld) [Entry date 09/06/00]
9/25/00	5	738	MOTION by defendant George Bush, defendant Daniel James to dismiss (15+pgs) (fba) [Entry date 09/26/00]
10/16/00	6	753	MOTION with memorandum in support by plaintiff James D Boswell, plaintiff Vanessa Lace Boswell, plaintiff Shauna Mroski to proceed in forma pauperis and veteran status (7pgs) (fba) [Entry date 10/17/00]
10/16/00	7	760	MOTION with memorandum in support by plaintiff James D Boswell, plaintiff Vanessa Lace Boswell, plaintiff Shauna Mroski for investigation of the alleged unethical conduct of Attorney Robert Ginsberg pursuant to LCrR 57.8(e) and possible prejudice to each of the related law suits 4:98-CV-68-Y, 4-00-CV-1440-E, and 4:00-CV-1526-Y (4pgs) (fba) [Entry date 10/17/00]
10/16/00	8	764	MOTION with memorandum in support by plaintiff James D Boswell, plaintiff Vanessa Lace Boswell, plaintiff Shauna Mroski for Disqualification of Law Firm McDonald Sanders (4pgs) (fba) [Entry date 10/17/00]
10/16/00	9	768	MOTION with memorandum in support by plaintiff James D Boswell, plaintiff Vanessa Lace Boswell, plaintiff Shauna Mroski for transfer of venue (4pgs) (fba) [Entry date 10/17/00]
10/16/00	10	770	MOTION with memorandum in support by plaintiff James D Boswell, plaintiff Vanessa Lace Boswell, plaintiff Shauna Mroski for recusal of Honorable Judge Means (15+pgs) (fba) [Entry date 10/17/00]
10/16/00	11	795	MOTION with memorandum in support by plaintiff James D Boswell, plaintiff Vanessa Lace Boswell, plaintiff Shauna Mroski for Army Major Jim Boswell(retired) to be the spokesman during conference calls for each of the Plaintiffs Jim Boswell, Vanessa Boswell, and Shauna Mroski(4pgs) (fba) [Entry date 10/17/00]

11/3/00 12 799 MOTION by defendant Board of Trustees TC to dismiss plaintiffs case (3pgs) (fba) [Entry date 11/06/00]

11/13/00 13 802 MOTION by defendant Louis Caldera to extend time to answer, plead, or otherwise respond (3pgs) (fba) [Entry date 11/14/00]

11/17/00 14 805 ORDER denying [10-1] motion for recusal of Honorable Judge Means (signed by TRM) Copies to counsel: 11/17/00 Page(s) 1 (pdm)

11/17/00 15 807 ORDER denying [9-1] motion for transfer of venue (signed by TRM) Copies to counsel: 11/17/00 Page(s) 1 (pdm)

11/17/00 16 809 ORDER granting [5-1] motion to dismiss; all claims in this cause dismissed with prej; pltfs. cautioned that they may be sanctioned if they make any future attempts to litigate these claims in this Court (signed by TRM) Copies to counsel: 11/17/00 Page(s) 2 (pdm)

11/17/00 17 812 Final JUDGMENT for Board of Trustees TC, George Bush, Daniel James, Louis Caldera against James D Boswell, Vanessa Lace Boswell, Shauna Mroski:...all claims dismissed with prej; all costs under 28 USC 1920 shall be borne by pltf. (signed by TRM) Copies to counsel: 11/17/00 Page(s): 1 (pdm)

11/17/00 -- Case closed (pdm)

11/27/00 18 814 MOTION by plaintiff James D Boswell, plaintiff Vanessa Lace Boswell, plaintiff Shauna Mroski for Expedited Hearing and expedited processing of the case so that this court's ruling and abuse of discretion may be considered in the election 2000 (1pg) (fba) [Entry date 11/28/00]

11/27/00 19 815 MEMORANDUM by plaintiff James D Boswell, plaintiff Vanessa Lace Boswell, plaintiff Shauna Mroski in support of [18-1] motion for Expedited Hearing and expedited processing of the case so that this court's ruling and abuse of discretion may be considered in the election 2000 (7pgs) (fba) [Entry date 11/28/00]

11/27/00 20 818 MOTION by plaintiff James D Boswell, plaintiff Vanessa Lace Boswell, plaintiff Shauna Mroski to consider inequitable conduct, voting intimidation, and obstruction to justice in the election 2000 (1pg) (fba) [Entry date 11/28/00]

11/27/00 21 823 MOTION by plaintiff James D Boswell, plaintiff Vanessa Lace Boswell, plaintiff Shauna Mroski for reconsideration of [17-1] judgment order, [16-1] order, [15-1] order, [14-1] order (1pg) (fba) [Entry date 11/28/00]

CLOSED

11/27/00	22	SJK	APPENDIX by plaintiff James D Boswell, plaintiff Vanessa Lace Boswell, plaintiff Shauna Mroski in support of [1-1] complaint (15+pgs) (fba) [Entry date 11/28/00]
11/30/00	23	SJK	ORDER denying [21-1] motion for reconsideration of [17-1] judgment order, [16-1] order, [15-1] order, [14-1] order, denying [20-1] motion to consider inequitable conduct, voting intimidation, and obstruction to justice in the election 2000, denying [18-1] motion for Expedited Hearing and expedited processing of the case so that this court's ruling and abuse of discretion may be considered in the election 2000 (signed by TRM) Copies to counsel: 11/30/00 Page(s) 1 (fba)
12/1/00	24	SJK	NOTICE OF APPEAL by plaintiff James D Boswell, plaintiff Vanessa Lace Boswell, plaintiff Shauna Mroski re [21-1] motion for reconsideration of [17-1] judgment order, [16-1] order, [15-1] order, [14-1] order, [20-1] motion to consider inequitable conduct, voting intimidation, and obstruction to justice in the election 2000, [19-1] support memorandum, [18-1] motion for Expedited Hearing and expedited processing of the case so that this court's ruling and abuse of discretion may be considered in the election 2000, [17-1] judgment order, [16-1] order, [15-1] order, [14-1] order Payment: 105.00 Receipt # 35141; no hearing/trl held; ctj (15+pgs) (fba) [Entry date 12/04/00]
12/4/00	--		Notice of appeal and certified copy of docket to USCA: [24-1] appeal along with a transmittal letter. (csw)
12/6/00	--		Transmitted record on appeal to U.S. Court of Appeals: [24-1] appeal consisting of Vol I-IV of case papers which includes cert cy of docket entries; along with a transmittal letter. (eac)

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
NOV 17 2000
CLERK, U.S. DISTRICT COURT
By _____ Deputy

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JAMES BOSWELL, ET AL. §
§
VS. § CASE NO. 4:00-CV-1526-Y
§
GEORGE BUSH, ET AL. §

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

Pending before the Court is Defendants' Motion to Dismiss, filed September 25, 2000 [doc. # 5-1]. Having carefully considered the motion, the Court finds that the motion has merit and should be GRANTED.[1]

The Court finds that the complaint in the above-styled and numbered cause is virtually identical to the complaint in cause no. 4:98-CV-168-Y, which was dismissed with prejudice by this Court on January 29, 1999. The Court denied Plaintiffs' motion to reopen that cause on May 12, 2000. Plaintiffs' claims are thus barred by the doctrine of *res judicata*. *See Commercial Box & Lumber Co. v. Uniroyal, Inc.*, 623 F.2d 371, 373 (5th Cir. 1980). Additionally, the Court concurs with Judge Mahon's recent assessment that "Plaintiffs' pleadings are a morass of garbled text filled with unconnected facts and legalese, ambiguously referring to multiple, unrelated causes of action." *See Boswell v. Bush*, 4:00-CV-1440-E (Order granting Defendant's motion for judgment on the pleadings, Sept. 19, 2000,

[1]Plaintiffs did not file a response to the motion to dismiss. Rather, they filed a 20-page motion for recusal, which the Court has denied by order signed this same day.

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ENTERED ON DOCKET
NOV 17 2000 809

p. 5).[2] It is impossible for the Court to attend meaningfully to Plaintiffs' pleadings when the pleadings are unintelligible.

Therefore, it is ORDERED that Defendants' motion to dismiss is GRANTED. All claims in the above-styled and numbered cause are hereby DISMISSED WITH PREJUDICE. Plaintiffs are cautioned that they may be sanctioned if they make any future attempts to litigate these claims in this Court.

SIGNED November 17, 2000.

Terry R. Means

TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

TRM/val

---

[2]The reason Plaintiffs filed these two identical suits within 30 days of each other is beyond the Court's comprehension.

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
NOV 17 2000
CLERK, U.S. DISTRICT COURT
By _____ Deputy

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JAMES BOSWELL, ET AL. §
§
VS. § CASE NO. 4:00-CV-1526-Y
§
GEORGE BUSH, ET AL. §

ORDER DENYING PLAINTIFFS' MOTION FOR TRANSFER OF VENUE

Pending before the Court is Plaintiffs' "Motion for Transfer of Menu [sic]", filed October 16, 2000 [doc. # 9-1]. Having carefully considered the motion, the Court finds that the motion is wholly without merit and should be DENIED.

Under 28 U.S.C. § 1404(a), a district court may transfer a civil action "for the convenience of parties and witnesses, in the interest of justice, . . . to any other district or division where it might have been brought." Plaintiffs have not explained how a transfer to another venue would be convenient for the parties or witnesses, nor have they alleged that there is another venue where this action might have been brought.

Therefore, it is ORDERED that Plaintiff's motion for transfer of venue is DENIED.

SIGNED November 17, 2000.

Terry R. Means
TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

TRM/val

15

ENTERED ON DOCKET
NOV 17 2000
U.S. DISTRICT CLERK'S OFFICE

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
NOV 17 2000
CLERK, U.S. DISTRICT COURT
By _____ Deputy

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JAMES BOSWELL, ET AL. §
§
VS. § CASE NO. 4:00-CV-1526-Y
§
GEORGE BUSH, ET AL. §

ORDER DENYING PLAINTIFFS' MOTION FOR RECUSAL

Pending before the Court is Plaintiffs' motion for recusal, filed October 16, 2000 [doc. # 10-1]. Having carefully considered the motion, the Court finds that the motion should be DENIED.

Under 28 U.S.C. § 455, a judge shall disqualify himself in certain specified circumstances and "in any proceeding in which his impartiality might reasonably be questioned." Plaintiffs' argument that a recusal is justified is wholly without merit. The alleged bias of a judge "must result from an extrajudicial source; a judge's prior adverse ruling is not sufficient cause for recusal." *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986). Additionally, the fact that the undersigned was appointed by the father of defendant George W. Bush is not a sufficient allegation of impartiality under section 455. *See United States v. Gordon*, 974 F.2d 1110, 1114, (9th Cir. 1992). Plaintiffs' suggestion that the Court invite a visiting judge from the Ninth Circuit to preside over their trial is simply preposterous.

Therefore, it is ORDERED that Plaintiffs' motion for recusal is DENIED.

SIGNED November 17, 2000.

Terry R. Means
TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

TRM/val

14

ENTERED ON DOCKET
NOV 17 2000

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
NOV 17 2000
CLERK, U.S. DISTRICT COURT
By _____ Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JAMES BOSWELL, ET AL. §
§
VS. § CIVIL ACTION 4:00-CV-1526-Y
§
GEORGE BUSH, ET AL. §

FINAL JUDGMENT

Pursuant to the order issued this same day, and Federal Rule of Civil Procedure 58,

It is hereby ORDERED, ADJUDGED, and DECREED that all claims in the above-styled and numbered cause are DISMISSED WITH PREJUDICE. All costs under 28 U.S.C. § 1920 shall be borne by the plaintiff.

SIGNED November 17, 2000.

Terry R. Means
TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

TRM/val

ENTERED ON DOCKET
NOV 17 2000
U.S. DISTRICT CLERK'S OFFICE

17

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
NOV 30 2000
CLERK, U.S. DISTRICT COURT
By _____ Deputy

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JAMES BOSWELL, ET AL. §
§
VS. § CASE NO. 4:00-CV-1526-Y
§
GEORGE BUSH, ET AL. §

ORDER DENYING PLAINTIFFS' MOTIONS TO RECONSIDER

Pending before the Court are (1) Plaintiffs' "Motion for reconsideration of Judge Means [sic] rulings dated 17 November 2000"; (2) "Motion to consider inequitable conduct, voting intimidation, and obstruction to justice in the election 2000"; and (3) "Motion for expedited, emergency hearing and expedited processing of a case so that this court's ruling and abuse of discretion may be considered in the election 2000." Having carefully considered the motions, the Court finds that the motions should be DENIED. The Court refuses to entertain the wholly ridiculous assertion that Plaintiffs' lawsuit is related in any way to an alleged conspiracy involving the recent presidential election. The Court finds such vagaries to be irrational, paranoid, and utterly groundless.

Therefore, it is ORDERED that the plaintiffs' motions to reconsider are DENIED.

SIGNED November 29, 2000.

Terry R. Means

TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

TRM/val

ENTERED ON DOCKET
NOV 30 2000
U.S. DISTRICT CLERK'S OFFICE

23

N0 00-10698

In The U.S. Court of Appeals
For Fifth Circuit

JAMES DOUGLAS BOSWELL, PLAINTIFF - APPELLANT

VS

WILLIAM COHEN , THE SECRETARY OF DEFENSE; ET AL

TEXAS CHRISTIAN UNIVERSITY
WILLIAM E. TUCKER, DR CHANCELLOR
MICHAEL D. MCCRACKEN DEAN
DEFENDANTS -APPELLEES

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH USDC No. 4:98 - CV-168-Y

APPELLANT RECORD EXCERPTS

In appeal of order denying motion to reopen case and related motions

James Douglas Boswell, Pro Se
414 Morrison Dr.
Euless TX 76039
817 358 9911
FAX 817 358 0291
Plaintiff - Appellant

APPEAL CLOSED

U.S. District Court
Northern District of Texas (Fort Worth)

CIVIL DOCKET FOR CASE #: 98-CV-168

Boswell v. Cohen, et al
Assigned to: Judge Terry R Means
Demand: $0,000
Lead Docket: None
Dkt# in other court: None

Filed: 02/23/98

Nature of Suit: 890
Jurisdiction: US Defendant

Cause: 42:1983 Civil Rights Act

JAMES D BOSWELL
plaintiff

James D Boswell
[COR LD NTC pse] [PRO SE]
414 Morrison Dr
Euless, TX 76039
USA
817/358-9911

v.

WILLIAM COHEN, The Secretary of Defense
defendant
[term 08/24/98]

R Wayne Hughes, Jr, Attorney at Law
[term 08/24/98]
817/978-3368 FAX
[COR LD NTC usa]
US Attorney's Office
Burnett Plaza
801 Cherry Street
Suite 1700
Fort Worth, TX 76102
USA
817/252-5200

TOGO WEST, The Secretary of the Army
defendant
[term 08/24/98]

R Wayne Hughes, Jr, Attorney at Law
[term 08/24/98]
(See above)
[COR LD NTC usa]

TEXAS CHRISTIAN UNIVERSITY
defendant

Robert L Ginsburg, Attorney at Law
817/334-0271 FAX
[COR LD NTC ret]
McDonald Sanders
Continental Plaza
777 Main Street

Certified a true copy of an instrument on file in my office on 7/18/00
NANCY DORERTY, Clerk, U.S. District Court, Northern District of Texas
By _____ Deputy

	Suite 1300 Fort Worth, TX 76102 USA 817/336-8651
WILLIAM E TUCKER, Dr, Chancellor defendant	Robert L Ginsburg, Attorney at Law (See above) [COR LD NTC ret]
MICHAEL D MCCRACKEN, Dean defendant	Robert L Ginsburg, Attorney at Law (See above) [COR LD NTC ret]
NATIONAL GUARD BUREAU defendant [term 08/24/98]	R Wayne Hughes, Jr, Attorney at Law [term 08/24/98] (See above) [COR LD NTC usa]

APPEAL

CLOSED

JAMES D BOSWELL

plaintiff

v.

WILLIAM COHEN, The Secretary of Defense; TOGO WEST, The Secretary of the Army; TEXAS CHRISTIAN UNIVERSITY; WILLIAM E TUCKER, Dr, Chancellor; MICHAEL D MCCRACKEN, Dean; NATIONAL GUARD BUREAU

defendant

Proceedings include all events. APPEAL
4:98cv168 Boswell v. Cohen, et al

CLOSED

2/23/98	1	COMPLAINT filed; Filing Fee $ 150.00 Receipt # 24281 (25+) (geb) [Entry date 02/24/98]
2/23/98	2	SUMMONS(ES) issued for defendant William Cohen, defendant Togo West, defendant Texas Christian Univ, defendant William E Tucker, defendant Michael D McCracken, defendant National Guard Burea (geb) [Entry date 02/24/98]
2/26/98	3	SUMMONS(ES) issued for US Atty-FTW (1) (bam)
3/13/98	4	ANSWER to Complaint by Texas Christian Univ, William E Tucker, Michael D McCracken (Attorney Robert L Ginsburg), (10) (bam) [Entry date 03/16/98]
4/27/98	5	MOTION by William Cohen, Togo West, National Guard Burea to dismiss (2) (bam)
4/27/98	6	MEMORANDUM by William Cohen, Togo West, National Guard Burea in support of [5-1] motion to dismiss (15+) (bam)
5/26/98	7	ORDER TO SUBMIT JOINT STATUS REPORT AND PROPOSED DISCOVERY PLAN. Status report due on 6/25/98 (signed by TRM) Copies to counsel: 5/27/98 Page(s): 6 (bam) [Entry date 05/27/98]
5/27/98	8	ORDER granting [5-1] motion to dismiss by dfts Secy of Defense; Secy of Army; and Chief, Ntl Guard Bureau (signed by TRM) Copies to counsel: 5/27/98 Page(s) 1 (bam)
5/8/98	9	***UNFILED PER 6/9/98 ORDER***MOTION by James D Boswell to amend judgment-vacature of court order granting dfts motion to dismiss and motion giving notice of appeal (15+) (bam) [Edit date 06/09/98]
5/9/98	10	ORDER unfiling [9-1] motion to amend judgment-vacature of court order granting dfts motion to dismiss and motion giving notice of appeal by James D Boswell due to the following deficiency: Cert of Service, Cert of Conf, and Order... Copies to counsel: 6/9/98 (signed by Judge Terry R Means) Page(s) 2 (bam)
5/26/98	11	MOTION with memorandum in support by James D Boswell for vacature of court order graning dfts motion to dismiss (15+++) (bam)
7/15/98	12	MEMORANDUM OF POINTS AND AUTHORITIES by National Guard Burea, Secretary of Defense, Secretary of Army in support of dfts opposition to plfs motion to vacate the court order granting dfts motion to dismiss (6) (bam)
8/6/98	13	ORDER denying [11-1] motion for vacature of court order graning dfts motion to dismiss (signed by TRM) Copies to counsel: 8/6/98 Page(s) 1 (bam)

8/12/98	14	NOTICE OF APPEAL (15+) by plaintiff James D Boswell...from dismissal.... Fee payment amount: 105.00 Receipt # 26197; TO given, no hearings/trials held...Cys to Judge and all parties... Appeal record due on 8/27/98 (dld) [Entry date 08/13/98] [Edit date 08/13/98]
8/13/98	--	Notice of appeal and certified copy of docket to USCA: [14-1] appeal (dld)
8/14/98	15	ORDER re request for information, Court refers plf to Local Rules...Court is unable to provide further assistance...for procedural assistance a litigant may contact the clerk of court (signed by TRM) Copies to counsel: 8/14/98 Page(s) 1 (bam)
8/14/98	16	ORDER to show cause by plf why he failed to comply with the 5/26/98 order, and set plf filing deadline for 4:30 8/28/98 (signed by TRM) Copies to counsel: 8/14/98 Page(s) 1 (bam)
8/14/98	--	Transmitted record on appeal to U.S. Court of Appeals: [14-1] appeal consisting of Vol I & II of case papers which includes cert cy of docket entries; along with a transmittal letter. (eac)
8/21/98	17	RESPONSE by James D Boswell to [16-3] show cause order for failure to file joint discovery plan (10) (bam)
8/21/98	18	Justification to Compel US dfts to file joint discovery plan by James D Boswell (12) (bam)
8/24/98	19	ORDER resetting joint status report due for 4:30 9/1/98 denying [18-1] plfs motion to compel the govt dfts previously dismissed from this case, to file jt discovery plan (signed by TRM) Copies to counsel: 8/24/98 Page(s) 1 (bam)
8/24/98	--	USCA Case Number, 98-10939 Re: [14-1] appeal (csw)
9/1/98	20	JOINT STATUS REPORT AND PROPOSED DISCOVERY PLAN by James D Boswell, Texas Christian Univ, William E Tucker, Michael D McCracken (7) (bam)
9/3/98	21	INITIAL SCHEDULING ORDER setting Joining of Parties on 4:30 11/2/98 ; Amending of Pleadings on 4:30 1/4/99 ; Discovery cutoff 4:30 3/2/99 ; Deadline for filing of dispositive motions 4:30 4/1/99 ; Pretrial materials due on 4:30 1/4/99 Pretrial conference for 1:00 2/17/99 ; (signed by TRM) Copies to counsel: 9/3/98 Page(s): 3 (bam)

10/9/98	22	ORDER OF USCA (certified copy) Re: [14-1] appeal...in the absence of the district court not certifying the 5/27/98 order for appeal, 5th circuit has no basis upon wich either the 5/27 order of the 8/6 order can be appealed prior to the entry of a final jgm...appeal dismissed (2) (bam) [Entry date 10/13/98]
10/9/98	--	Record on appeal returned from U.S. Court of Appeals: [14-1] appeal...received 2 volumes case papers (bam) [Entry date 10/13/98]
10/20/98	23	MOTION by Texas Christian Univ for summary and final judgment (4) (bam) [Entry date 10/21/98]
10/20/98	24	MEMORANDUM by Texas Christian Univ in support of [23-1] motion for summary and final judgment (14) (bam) [Entry date 10/21/98]
10/20/98	25	APPENDIX by Texas Christian Univ in support of [23-1] motion for summary and final judgment (15+++) (bam) [Entry date 10/21/98]
11/3/98	26	MEMORANDUM by James D Boswell in support of plfs motions (1) to compel dfts to discovery and (2) to enlarge time for plf to respond to dfts motion for summary and final judgment (16) (bam) [Entry date 11/04/98]
11/4/98	27	ORDER granting [26-1] support memorandum of points in support of plfs motions to compel dfts to discovery and to enlarge time for plf to respond to dfts motion for summary and final jgm, and Response to motion reset to 12/31/98 for [23-1] motion for summary and final judgment, and parties are to confer and make effort to resolve discovery dispute and set discovery due for 11/13/98, and if parties resolve discovery dispute, plf to notify court, set filing deadline for 11/16/98...if parties resolve part, but not all discovery dispute, plf to file amended motion to remaining disputed matter by 4:30p.m. on 11/20/98 and dfts response to remaining discovery motions due by 4:30 on 11/30/98 (signed by TRM) Copies to counsel: 11/5/98 Page(s) 2 (bam) [Entry date 11/05/98]
11/16/98	28	RESPONSE by James D Boswell to [27-4] court order in reference to plfs motion to compel dfts to discovery (3) (bam) [Entry date 11/17/98]
11/18/98	29	ORDER mooting [26-1] support memorandum of points and authorities in support of plfs motion to compel dfts to discovery (signed by TRM) Copies to counsel: 11/18/98 Page(s) 1 (bam)
12/22/98	30	STIPULATION OF FACTS (2 pgs) by defendant Texas Christian Univ (dld)

12/29/98	31	MOTION (2 pgs) by plaintiff James D Boswell to enlarge time to respond to defendant's request for summary judgment (dld)
1/5/99	32	ORDER granting [31-1] motion to enlarge time to respond to defendant's request for summary judgment Plfs Response to motion reset to 1/29/99 for [23-1] motion for summary and final judgment (signed by TRM) Copies to counsel: 1/5/99 Page(s) 1 (bam)
1/29/99	33	ORDER granting [23-1] motion for summary and final judgment for reasons stated inthe brief in support of dft, TCU's motion (signed by TRM) Copies to counsel: 2/1/99 Page(s) 4 (bam) [Entry date 02/01/99]
1/29/99	34	FINAL JUDGMENT...all claims are dismissed w/prejudice and costs of court shall be borne by plf (signed by TRM) Copies to counsel: 2/1/99 Page(s): 1 (bam) [Entry date 02/01/99]
1/29/99	--	Case closed (bam) [Entry date 02/01/99]
2/1/99	35	MOTION by James D Boswell to enlarge time by one day to respond to dfts motionfor summary and final judgment (3) (bam) [Entry date 02/02/99]
2/2/99	36	ORDER denying [35-1] motion to enlarge time by one day to respond to dfts motion for summary and final judgment (signed by TRM) Copies to counsel: 2/2/99 Page(s) 1 (bam)
2/8/99	37	***UNFILED PER 2/9/99 ORDER***MOTION by James D Boswell for scheduling of two Hearings: 1) resolution of issues prior to summary and final judgment and 2) the summary and final judgment hearing (6) (bam) [Entry date 02/09/99] [Edit date 02/10/99]
2/8/99	38	***UNFILED PER 2/9/99 ORDER***MOTION by James D Boswell to compel defendant's to discovery (6) (bam) [Entry date 02/09/99] [Edit date 02/10/99]
2/8/99	39	***UNFILED PER 2/9/99 ORDER***MOTION by James D Boswell to take judicial notice and grant hearing (6) (bam) [Entry date 02/09/99] [Edit date 02/10/99]
2/8/99	40	***UNFILED PER 2/9/99 ORDER***MOTION by James D Boswell to vacate [36-1] order denying plf to enlarge time to respond to summary and final judgment (6) (bam) [Entry date 02/09/99] [Edit date 02/10/99]
2/8/99	41	***UNFILED PER 2/9/99 ORDER***MOTION by James D Boswell for continuance (6) (bam) [Entry date 02/09/99] [Edit date 02/10/99]

2/9/99	42	NOTICE OF APPEAL by James D Boswell and appealing 1/29/99 final judgment...plf is pro se...no hearing/trial held...TO given to plf...no pymt made (15+++) (bam)
2/9/99	43	ORDER unfiling [41-1] motion for continuance by James D Boswell due to the following deficiency: Cert of Conference Copies to counsel: 2/10/99 (signed by Judge Terry R Means) Page(s) 2 (bam) [Entry date 02/10/99]
2/9/99	44	ORDER unfiling [40-1] motion to vacate [36-1] order denying plf to enlarge time to respond to summary and final judgment by James D Boswell due to the following deficiency: Cert of Conference Copies to counsel: 2/10/99 (signed by Judge Terry R Means) Page(s) 2 (bam) [Entry date 02/10/99]
2/9/99	45	ORDER unfiling [39-1] motion to take judicial notice and grant hearing by James D Boswell due to the following deficiency: Cert of conference Copies to counsel: 2/10/99 (signed by Judge Terry R Means) Page(s) 2 (bam) [Entry date 02/10/99]
2/9/99	46	ORDER unfiling [37-1] motion for scheduling of two Hearings: 1) resolution of issues prior to summary and final judgment and 2) the summary and final judgment hearing by James D Boswell due to the following deficiency: Cert of Conference Copies to counsel: 2/10/99 (signed by Judge Terry R Means) Page(s) 2 (bam) [Entry date 02/10/99]
2/9/99	47	ORDER unfiling [38-1] motion to compel defendant's to discovery by James D Boswell due to the following deficiency: Cert of Conference Copies to counsel: 2/10/99 (signed by Judge Terry R Means) Page(s) 2 (bam) [Entry date 02/10/99]
2/10/99	--	Notice of appeal and certified copy of docket to USCA: [42-1] appeal...along with a transmittal letter (csw)
2/16/99	48	MOTION by James D Boswell to vacate [36-1] order denying plf time to respond to summary and final judgment, and to certify order as appealable (8) (bam) [Entry date 02/17/99]
2/16/99	49	MOTION by James D Boswell to compel dfts to discovery (6) (bam) [Entry date 02/17/99]
2/16/99	50	MOTION by James D Boswell for scheduling of two Hearings: 1) Resolution of issues prior to summary and final judgment and 2) Summary and final judgment hearing (6) (bam) [Entry date 02/17/99]
2/16/99	51	MOTION by James D Boswell for continuance for additional discovery (6) (bam) [Entry date 02/17/99]

2/16/99	52	MOTION by James D Boswell to take judicial notice and grant hearing (6) (bam) [Entry date 02/17/99]
2/16/99	--	USCA appeal fees received $ 105.00 [42-1] appeal receipt #28107 from James Boswell. (csw) [Entry date 02/17/99]
2/22/99	53	Transcript order form: Transcript not requested [42-1] appeal (dld)
2/23/99	--	USCA Case Number, 99-10161 Re: [42-1] appeal (csw) [Entry date 02/24/99]
3/5/99	54	ORDER denying [48-2] motion to certify order as appealable, denying [48-1] motion to vacate [36-1] order denying plf time to respond to summary and final judgment, denying [49-1] motion to compel dfts to discovery, denying [50-1] motion for scheduling of two Hearings: 1) Resolution of issues prior to summary and final judgment and 2) Summary and final judgment hearing, denying [51-1] motion for continuance for additional discovery, denying [52-1] motion to take judicial notice and grant hearing (signed by TRM) Copies to counsel: 3/5/99 Page(s) 3 (bam)
3/16/99	--	Transmitted record on appeal to U.S. Court of Appeals: [42-1] appeal re: # 99-10161...consisting of Vol I, II, III, IV, V, & VI of case papers which includes cert cy of docket entries; along with a transmittal letter. (eac)
6/25/99	55 1516	ORDER OF USCA (certified copy) USCA #99-10161 Re: [42-1] appeal...ordered that the motion of appellee William Cohen, appellee National Guard Bureau, appellee Louis Caldera to dismiss the appeal as it pertains to them for lack of jurisdiciton is Granted. (Appeal remains open as to appellees Texas Christian University, William E Tucker, and Michael McCracken per USCA5 6/22/99) Copy to Judge (1) (csw) [Entry date 06/28/99]
1/18/00	56 1517	**UNFILED PER ORDER 1/25/00**MOTION by James D Boswell for reconsideration of [34-1] judgment orde, for relief of summary judg. & for leave to file suppl. pleading (to Reopen Case for New Evidence) (15+) (Under separate cover) (pdm) [Entry date 01/19/00] [Edit date 01/25/00]
1/25/00	57 1518	ORDER unfiling [56-1] motion for reconsideration of [34-1] judgment orde, for relief of summary judg. & for leave to file suppl. pleading by James D Boswell due to the following deficiency: Separate docs. not identified, no cert. of conf., appeal still pending as to defts. TCU, William Tucker, & Michael McCracken; Copies to counsel: 1/25/00 (signed by Judge Terry R Means) Page(s) 2 (pdm)

3/30/00	58	1521	JUDGMENT OF USCA (certified copy) USCA #99-10161 Re: [42-1] appeal...ordered and adjudged by this Court that the appeal in this cause is dismissed for lack of jurisdiction. Further ordered that pla-appellant pay to dft-appellees the costs on appeal to be taxed by the Clerk of this Court. Issued as mandate on 03/27/00. Copy to Judge. (1) (csw) [Entry date 03/31/00]
3/30/00	59	1522	OPINION OF USCA (certified copy) USCA #99-10161 in accordance with USCA judgment re: appeal dismissed. Copy to Judge. (2) (csw) [Entry date 03/31/00]
3/30/00	--		Record on appeal returned from U.S. Court of Appeals: USCA #99-10161..consisting of 6 vol case papers. (csw) [Entry date 03/31/00]
4/7/00	--		Received letter from USCA #99-101[illegible] Re: James Boswell...receipt #051031 verify[illegible] payment of sanctions has been issued by this court. Copy of letter to advise DC that the sanction has been satisfied. Copy to Judge. (1) (csw)
4/17/00	60	1524	MOTION by plaintiff James D Boswell to reopen case for additional evidence, for relief from summary and final judgment, to file supplemental pleading, for court-appointed attorney,and for continuance in forma pauperis (15+pgs) (fba) [Entry date 05/12/00]
5/12/00	61	2071	ORDER denying [60-1] motion to reopen case for additional evidence, denying [60-2] motion for relief from summary and final judgment, denying [60-3] motion to file supplemental pleading, denying [60-4] motion for court-appointed attorney, denying [60-5] motion for continuance in forma pauperis (signed by TRM) Copies to counsel: 05/12/00 Page(s) 1 (fba)
6/29/00	62	2073	NOTICE OF APPEAL and Memorandum in Support by plaintiff James D Boswell re [61-1] order; Fee is due; No Hearing/Trl Held; CTJ (15+pgs) (fba)
6/30/00	--		Notice of appeal and certified copy of docket to USCA: [62-1] appeal along with a transmittal letter. (csw)
7/14/00	--		USCA appeal fees received $ 105.00 [62-1] appeal (dld) [Entry date 07/17/00]
7/14/00	--		USCA Case Number, 00-10698 Re: [62-1] appeal (dld) [Entry date 07/17/00]
7/18/00	--		Transmitted record on appeal to U.S. Court of Appeals: [62-1] appeal re: # 00-10698...consisting of Vol I-IX of case papers which includes cert cy of docket entries; along with a transmittal letter. (eac)

FILED
MAY - 12 2000
NANCY DOHERTY, CLERK
By _____ Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JAMES D. BOSWELL	§	
	§	
VS.	§	CIVIL ACTION NO. 4:98-CV-168-Y
	§	
SECRETARY OF DEFENSE, ET AL.	§	

ORDER DENYING MOTION TO REOPEN CASE AND RELATED MOTIONS

Pending before the Court are the following motions submitted by plaintiff James D. Boswell, filed April 17, 2000: (1) motion to reopen case for additional evidence; (2) motion for relief from summary and final judgment; (3) motion to file supplemental pleading; (4) motion for court-appointed attorney; and (5) motion for continuance *in forma pauperis*. Having carefully considered the motions, the Court finds that they are without merit and should be DENIED.

Therefore, it is ORDERED that the above-listed motions are hereby DENIED.

SIGNED May 12, 2000.

TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

TRM/val

ENTERED ON DOCKET
MAY 12 2000
U.S. DISTRICT CLERK'S OFFICE

101

CASE: 4:98-cv-00168
DOCUMENT: 61
DATE: 05/12/00

CLERK: fba

CERTIFICATE OF PROOF OF SERVICE FOR AMENDMENT TO APPENDIX FOR THE **PETITION FOR A WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT** IN THE SUPREME COURT OF THE UNITED STATES

JAMES D. BOSWELL, Individually and on behalf of all others similarly situated; VANESSA LACE BOSWELL, Individually and on behalf of all others similarly situated; SHAUNA MROSKI, Individually and on behalf of all others similarly situated

Plaintiffs-Appellants-Petitioner

v.

BOARD OF TRUSTEES TEXAS CHRISTIAN UNIVERSITY (individual members (in their official capacities only); GEORGE BUSH, Governor, individual and official capacity; DANIEL JAMES, Major General, Adjutant General of Texas, LOUIS CALDERA, Secretary of the Army, National Guard Bureau Agency,

Defendants-Appellees-Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH

USDC No. 4:00 - CV-1526-Y, Fifth Circuit N0 00-11360 and USDC No. 4:98-CV-168-Y No-00-10698

I do declare this amendment was served by certified priority mail, return receipt requested to Texas Christian University Defendants is Richard De Berry, McDonald and Sanders, 1300 Continental Plaza, 777 Main Street, Ft Worth Texas 76102 (817 336 8651) and for United States Defendants is Wayne Hughes, Jr. Assistant United States Attorney, 801 Cherry St. Suite 1700, Ft Worth Tx 76102-6897 (817 252 5200), and for Texas Government employees, Mr. Peter J. Strelitz, Capitol Station, PO Box 12548, Austin Texas, 78711-2548 (512 463 2120) on this date 27 December 2001. I declare under the penalty of perjury that the forgoing is true.

James Boswell

James Douglas Boswell, Pro Se
414 Morrison Dr.
Euless TX 76039
817 358 9911 fax 817 358 0291